

**TOWN OF DAVIE  
REGULAR MEETING  
APRIL 2, 2003  
7:00 P.M.**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:05 p.m. and was followed by the Pledge of Allegiance which was led by Alex Deleon and Carey Black III from Troop 118.

**2. ROLL CALL**

Present were Mayor Truex, Vice-Mayor Starkey, and Councilmembers Hubert and Paul (departed at 10:36 p.m.). Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

**3. OPEN PUBLIC MEETING**

Mayor Truex advised the public of the rules for the Open Public Meeting.

Marcia Joseph, 13700 SW 18 Court, congratulated Mayor Truex and Councilmember Hubert on their election. She read a petition that objected to the proposed Schoenstatt Shrine in the Oak Hill area and thanked those who assisted with the petition.

Martin Kiar, congratulated Mayor Truex, Vice-Mayor Starkey, and Councilmember Hubert for their victories and efforts. He also thanked Councilmember Paul for her dedication and inspiration to the Town.

Brian Waterman, 13770 SW 18 Court, spoke regarding Ms. Joseph's petition and of his opposition to the Shrine. He felt that it would adversely affect his neighborhood and urged Council to deny the Shrine.

Barbara Von Strander, 16741 SW 16 Street, also spoke in opposition to the Shrine and the request for rezoning.

Clay Cameron, 4270 SW 54 Avenue, gave Council pictures of dogs at his neighbor's home and the conditions of the home. He spoke in regard to a need for an ordinance that restricted the number of dogs allowed in a single-family residence. Mr. Cameron stated that the dogs created a nuisance in his neighborhood and asked Council for support.

Mayor Truex asked Mr. Willi if this was an existing Code compliance case pertaining to this matter. Mr. Willi asked Development Services Director Mark Kutney to address this and Mr. Kutney stated that he would check into it.

James Webb, 13771 SW 18 Court, spoke in opposition to the proposed Shrine and stated that this building would exacerbate the flooding situation.

Toni Webb, 13771 SW 18 Court, spoke in opposition to the proposed Shrine.

Bruce McGee, 14181 SW 15 Court, congratulated Mayor Truex and Councilmember Hubert on their recent victories. He also spoke in opposition to the proposed Shrine.

Steven Yermish, 15343 SW 51 Street, spoke of the public meeting regarding the Regency Square property and of the need to close Palomino Road.

Councilmember Paul indicated that she had spoken with Mr. Willi who indicated that the road closure was being addressed.

Deborah Futch, 2702 East Fortrid Circle, spoke of the need to ban smoking in the Town's parks.

Carolina Olivetto, 14957 SW 50 Court, congratulated Mayor Truex on his victory. She spoke in opposition to the proposed car dealership at Regency Square.

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Deborah Lisewski, 15048 SW 51 Street, also spoke in opposition to the Regency Square car dealership proposal.

Michael Lamborn, 15020 Eaglebird Court, spoke in opposition to the Regency Square car dealership proposal.

Norm Blanco, 2080 SW 72 Avenue, congratulated Mayor Truex and Councilmember Hubert. He indicated that he was concerned with Mayor Truex's comment regarding the re-appointment of former Vice-Mayor Geri Clark to the Community Relations Advisory Board. Mr. Blanco spoke on behalf of her accomplishments and asked Council to allow her to continue to serve.

Howard Schwartzman, 2078 SW 71 Way, endorsed Mr. Blanco for Councilmember for District 2. Mayor Truex indicated that this could not be discussed as it was on the agenda.

Mr. Schwartzman spoke on behalf of a community-based program that would serve to help provide meals to disadvantaged persons. He explained that this program was a partnership amongst business owners in the Town, Scouts, and statewide. Mr. Schwartzman stated that further information would be available in the near future.

Michael Davenport, 14041 SW 22 Place, indicated that he lived in Oak Hill and was not familiar with Ms. Joseph's petition. He was opposed to the proposed Shrine and stated that he would be willing to assist in circulating the petition more widely around the neighborhood. Mr. Davenport spoke about the bond referendums in the past five years and how they had increased the taxes for residents by \$38 million. He agreed that the bonds were for a good cause, but recommended that the new Council look at the budget more carefully rather than placing the burden on the residents. Mr. Davenport spoke of former Mayor Venis' accomplishments. He also urged the public to pray for the safe return of the United States troops and British forces in Iraq.

John Pisula, 2933 SW 136 Avenue, congratulated Mayor Truex, Councilmember Hubert, and Vice-Mayor Starkey. He spoke of the "Take Stock in Children" event on April 9th that would commemorate the mentors who participate in the program.

Mayor Truex advised that item 6.5 was requested to be tabled until May 7, 2003.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to table. In a voice vote, all voted in favor. (Motion carried 4-0)

Mayor Truex advised that item 9.1 was requested to be added.

Councilmember Paul made a motion, seconded by Mayor Truex, to add. In a voice vote, all voted in favor. (Motion carried 4-0)

**4. APPOINTMENT OF DISTRICT 2 COUNCILMEMBER (term to expire March 2004)**

**4.1. Presentations by Candidates**

Later in the meeting, Mayor Truex advised that Dan Pignato had withdrawn his application.

Susan Bernard spoke of her qualifications for Councilmember for District 2.

Norm Blanco spoke of his qualifications for Councilmember for District 2.

Councilmember Paul asked if Mr. Blanco would like to elaborate on the parks he attempted to have the Town construct. Mr. Blanco spoke of how the park would be beneficial to the Nova Drive Neighborhood.

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Mike Crowley spoke of his qualifications for Councilmember for District 2.

Councilmember Paul asked Mr. Crowley his philosophy on compatible uses of property within residential neighborhoods. Mr. Crowley indicated that he would review each property on their merits and would want them to be in harmony with surrounding neighborhoods.

Leslie Mann spoke of her qualifications for Councilmember for District 2.

Vice-Mayor Starkey asked what Ms. Mann's position on growth was. Ms. Mann felt it was important to control growth.

Vice-Mayor Starkey asked Ms. Mann's opinion on the one-dwelling-per-acre issue. Ms. Mann indicated that she supported this issue.

Councilmember Paul asked Ms. Mann's position on commercial growth in residential neighborhoods. Ms. Mann indicated that it would depend on the proposal.

Mayor Truex asked Ms. Mann her opinion on the Davie Rodeo. Ms. Mann indicated that she had never attended and supported it because it was part of the tradition of the Town.

Bruce Novak spoke of his qualifications for Councilmember of District 2.

Robin Snyder spoke of her qualifications for Councilmember of District 2.

Councilmember Paul indicated that District 4 also had issues and asked Ms. Snyder what her views were on the proposed Shrine and the car dealership there. Ms. Snyder indicated that the projects should go where they were permitted. She indicated that the residents would be her first concern.

John Stevens spoke of his qualifications for Councilmember of District 2.

Mayor Truex asked Mr. Stevens his position on the Town Administrator's contract. Mr. Stevens indicated that he was not in support of a super-majority and he had concerns regarding the language in the Town Administrator's contract. He felt an amendment to the Charter regarding the specifications of the job and termination specifics would be beneficial.

Barbara Ann Tilly spoke of her qualifications for Councilmember of District 2.

Councilmember Paul asked Ms. Tilly's opinion on compatibility. Ms. Tilly indicated that she was against incompatibility.

Vice-Mayor Starkey asked Ms. Tilly's position on increased density. Ms. Tilly was opposed to increased development.

Rick Von Minden spoke of his qualifications for Councilmember of District 2.

Councilmember Paul asked Mr. Von Minden's position on incompatible uses, specifically a car dealership next to a residential community. Mr. Von Minden indicated that he would want to hear all the facts before making a decision.

Mayor Truex asked Mr. Von Minden his position on the Town Administrator's contract. Mr. Von Minden indicated that he was in favor of a simple majority.

Vice-Mayor Starkey asked his opinion on increased density. Mr. Von Minden indicated that he was not in favor of increased density.

Mayor Truex stated that Council could choose the guideline as there was no specific procedure.

Councilmember Hubert recommended Michael Crowley.

Councilmember Paul recommended that Council make a short list of three candidates. She also felt that Mr. Crowley would be a good candidate.

Vice-Mayor Starkey made a motion to appoint Rick Von Minden. The motion died for lack of a second.

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Councilmember Paul made a motion, seconded by Councilmember Hubert, to appoint Mike Crowley. In a voice vote, with Mayor Truex and Vice-Mayor Starkey dissenting, all voted in favor. (Motion tied 2-2)

Mayor Truex passed the gavel and made a motion, seconded by Vice-Mayor Starkey, to short list to Mr. Crowley, Mr. Stevens, and Mr. Von Minden and make an appointment at the April 15, 2003 meeting. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Hubert - yes; Councilmember Paul - no. (Motion carried 3-1)

**5. CONSENT AGENDA**

*Minutes*

- 5.1. January 23, 2003 - Workshop Meeting
- 5.2. February 11, 2003 - Workshop Meeting
- 5.3. February 14, 2003 - Workshop Meeting
- 5.4. February 19, 2003 - Regular Meeting

*Proclamation*

- 5.5. Day of Prayer (May 1, 2003)

*Resolutions*

- 5.6. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING  
R-2003-85 THE BID FOR SCHOOL CROSSING GUARDS. (Kemp Services, Inc. - \$12.87/hour/guard) (tabled from March 24, 2003)
- 5.7. **OFF-SITE STORAGE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2003-86 SELECTING THE FIRM OF SECURE DATA STORAGE TO PROVIDE OFF-SITE RECORD STORAGE SERVICES AND AUTHORIZING THE APPROPRIATE TOWN STAFF MEMBERS TO EXECUTE REQUIRED AGREEMENTS. (\$29,853/3 year contract)
- 5.8. **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2003-87 APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIENS IN CASE NO. 93-146 FROM \$7,000. IN AMOUNT TO \$1,733.38; AND PROVIDING AN EFFECTIVE DATE. (Bob's Towing)
- 5.9. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2003-88 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH FIRST AMERICAN TELECOMMUNICATIONS CORPORATION FOR INSTALLING, OPERATING, AND MAINTAINING PAY TELEPHONES. (First American Telephone Corporation)
- 5.10. **PLAN** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING  
R-2003-89 THE WATER AND WASTEWATER FACILITIES PLAN.

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- 5.11. **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2003-90 AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NUMBER 1  
BETWEEN THE TOWN AND WHARTON-SMITH, INC. FOR WATER PLANT  
IMPROVEMENTS AND WATER TRANSMISSION MAIN. (increase of \$28,509)
- 5.12. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA  
R-2003-91 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO  
ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE,  
BROWARD COUNTY, AND TUSCANY AT DAVIE, LLC FOR THE TRAFFIC  
SIGNALIZATION AGREEMENT RELATING TO THE BLACKHAWK  
RANCHES PLAT; PROVIDING FOR THE INSTALLATION OF A TRAFFIC  
SIGNAL; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR  
SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE  
DATE. (DA 3-1-03 Blackhawk Ranches Plat, 4450 Hiatus Road)
- 5.13. **PLAT AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2003-92 AUTHORIZING AN AMENDMENT TO THE NON VEHICULAR ACCESS LINE  
(NVAL) OF THE "PINE ISLAND COMMERCIAL" PLAT, AND PROVIDING  
AN EFFECTIVE DATE. (DG 1-1-03, Pine Island Commercial Plat, 8501 Orange  
Drive)
- 5.14. **PLAT AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2003-93 AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "PINE  
ISLAND COMMERCIAL" PLAT, AND PROVIDING AN EFFECTIVE DATE.  
(DG 1-2-03, Pine Island Commercial Plat, 8501 Orange Drive)
- 5.15. **PLAT AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA  
R-2003-94 AUTHORIZING THE ALLOCATION OF BONUS SLEEPING ROOMS TO THE  
VICTORIA VILLAS PLAT; AND PROVIDING FOR AN EFFECTIVE DATE. (FX  
2-1-03, Victoria Villas, 5151 SW 61 Avenue)
- 5.16. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA:  
AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO  
ENTER INTO AN AGREEMENT BETWEEN THE SCHOOL BOARD OF  
BROWARD COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE  
OF FLORIDA AND THE TOWN OF DAVIE; AND PROVIDING FOR AN  
EFFECTIVE DATE.

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*Site Plan*

- 5.17. SP 10-5-02, Pine Island Homes, 8601 Orange Drive (B-2) (tabled from March 24, 2003) *Site Plan Committee recommended approval based on the following conditions: 1) to conform to the architectural changes to the gas station as set forth in the discussion and to be reviewed by Chair Evans prior to the Town Council meeting by faxing the changes to staff prior to Thursday [March 13th] by 9:00 a.m., to include the color selection, the additional columns, the widening of the canopy, the fascia, etcetera; 2) to add two sidewalks by the gas station, one off Pine Island Road and the second as discussed; and 3) that the homeowner's documents specifically state that vehicles were not to be parked on sidewalks. It should also be noted in the motion that Vice-Chair Aucamp opined that the planting of Eureka Palms on the north wall would create serious problems in the future*

Vice-Mayor Starkey requested that item 5.16 be removed from the Consent Agenda.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve the Consent Agenda without item 5.16. In a voice vote, all voted in favor. (Motion carried 4-0)

5.16 Vice-Mayor Starkey asked Mr. Kiar if he had the chance to review the final draft before it was placed on the agenda. Mr. Kiar indicated in the affirmative.

Town counsel Andre Parks advised that the interlocal agreement was favorable for the Town and there were questions and a memorandum was received regarding proposals. He added that Council would be provided with information as soon as possible.

Vice-Mayor Starkey questioned if Council should approve it in draft form. Councilmember Paul questioned if the Town was in a position to make a change to this agreement as opposed to other cities that had approved the standard form.

Councilmember Paul asked Vice-Mayor Starkey exactly what she wanted to change. Vice-Mayor Starkey indicated that there was a memorandum regarding the proposed changes. Councilmember Paul asked that Council be notified of all new memorandums filed. She was concerned about the timeline and did not want the Town to be penalized.

Vice-Mayor Starkey made a motion, seconded by Councilmember Hubert. to table until April 15, 2003. In a voice vote, all voted in favor. (Motion carried 4-0)

Vice-Mayor Starkey asked if item 9.1 could be taken out of order due to the many residents in attendance regarding this issue. Mayor Truex decided not to take the agenda out of order.

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6. PUBLIC HEARING

*Ordinance - Second and Final Reading*

- 2003-9 6.1. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-1-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-2, NEIGHBORHOOD BUSINESS DISTRICT TO RM-10, MEDIUM DENSITY RESIDENTIAL 10 DU/ACRE AND RS, RECREATION AND OPEN SPACE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 9-1-02 Pine Island Corp., 8501 Orange Drive) (tabled from March 24, 2003) *Planning and Zoning Board recommended approval {Approved on First Reading March 5, 2003, all voted in favor}*

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Bonnie Miskell, appearing on behalf of the petitioner, spoke of the merits of this project.

Lloyd Procton, representing Pine Island Lakes Town Home Association, asked that Council approve subject to the January 22, 2003 agreement with the developer.

Mayor Truex closed the public hearing.

Council made disclosures indicating that they had not spoken to anyone regarding this issue since the first reading.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 4-0)

*Ordinance - First Reading/Quasi Judicial Item (Second and Final Reading to be held April 15, 2003)*

- 6.2. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 1-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO A-1, AGRICULTURAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 1-1-03, MG Developers/Florida Fresh Herbs, Inc., 1401 Flamingo Road) *Planning and Zoning Board recommended approval*

Mayor Truex turned the quasi-judicial portion of the meeting over to Mr. Kiar who advised of the procedures for quasi-judicial hearings.

Mr. Kiar swore in the witnesses.

Town Clerk Muniz read the ordinance by title. Mayor Truex advised that a public hearing would be held on May 15, 2003.

Mr. Kutney summarized the planning report.

Councilmember Paul asked if 27 homes would fit on the site with all of the easements. Mr. Kutney replied in the affirmative. Councilmember Paul asked why the request was from AG to A. Mr. Kutney indicated that the applicant could best answer this question.

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Mayor Truex asked if Council was being locked into a set number of homes by approving this request. Mr. Kutney indicated in the negative.

Vice-Mayor Starkey asked if the zoning would allow for equestrian stables to be built on the lots. Mr. Kutney explained that A-1 zoning did permit stables.

John Voight, representing the applicant, displayed a "rough" conceptual site plan of the project. He spoke of the history of the property and explained that this property was the first to comply with the rural lifestyle ordinance. The rezoning request was made because the applicant felt that the larger lots allowed with AG zoning were inappropriate for Flamingo Road. Mr. Voight also stated that staff had recommended an A-1 zoning as the more appropriate transition.

Jay Evans, also representing the petitioner, indicated that the map Council was looking at was incorrect as it only included one parcel, rather than all six, which did go to SW 127 Avenue and was directly adjacent to Summerlake.

Vice-Mayor Starkey asked if the Summerlake residents were notified. Mr. Voight indicated that only 27 residents were noticed and requested that this item be tabled so that proper notification could be sent to affected residents. There were concerns that those residents who were notified were not provided with an accurate map.

Vice-Mayor Starkey asked that she also be notified of the meeting with the developer and the residents.

Michael Powell 12565 SW 14 Street, indicated that the residents had concerns with drainage and density.

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to table until April 15, 2003. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 4-0)

*Quasi Judicial Items*

- 6.3. **VARIANCE** - V 2-1-03, Griffin, 3950 SW 54 Avenue (R-3) (to reduce the minimum side setback for a wooded deck from 15 feet to 9.9 feet; to reduce the minimum side setback for an above ground pool from 15 feet to 7.5 feet; and to reduce the minimum side setback for a patio overhang from 15 feet to 6.1 feet)  
*Planning and Zoning Board recommended approval*

Mr. Kiar swore in the witnesses.

Mr. Kutney summarized the planning report.

Mayor Truex asked if there was a financial penalty for "after-the-fact" variances. Mr. Kutney indicated that the permit fee could be doubled. He stated that, in this case, the applicant had come forward on his own volition.

Timothy Griffin, the applicant, explained the nature of the request. He provided a series of pictures of the pool and deck and a letter from a neighbor approving the variance.

Vice-Mayor Starkey indicated that she would support the variance and not ask him to move the pool.

Mayor Truex opened the public hearing portion of the meeting.

Oscar Trinidad, 3939 SW 54 Avenue, spoke on behalf of the applicant. He felt Mr. Griffin was a good neighbor and would only have his family use the pool.



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Mayor Truex closed the public hearing portion of the meeting.

Vice-Mayor Starkey made a motion, seconded by Councilmember Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 4-0)

- 6.4. **SPECIAL PERMIT** - SE 1-2-03, Costoya/Grand Oaks Estates, LLC., 12963 SW 35 Place (R-1) (to install a temporary real estate sales office) *Planning and Zoning Board recommended approval*

Mr. Kiar swore in the witnesses.

Mr. Kutney summarized the staff report.

Frank Costoya, appearing on behalf of the applicant, gave a brief description as to where the trailer would be located.

Mayor Truex asked how long the trailer would be in place. Mr. Costoya advised the request was for 18 months.

Mayor Truex asked if the application for the special permit included the 18-month timeframe. Mr. Kutney indicated that Council could impose any conditions that it wanted.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Mr. Kutney indicated that Council could make the timeframe determination.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve subject to a time limitation of 18 months. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 4-0)

*Item to be tabled*

- 6.5. **STAFF REQUESTING A TABLING TO MAY 7, 2003**  
REZONING - ZB 12-2-02, Town of Davie, 4703 SW 148 Avenue (tabled from March 24, 2003)

This item was tabled earlier in the meeting.

**7. APPOINTMENTS**

- 7.1. Child Safety Board (one exclusive appointment - Vice-Mayor Starkey; term expires April 2004) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

- 7.2. Open Space Advisory Committee (one exclusive appointment - Vice-Mayor Starkey and Mayor Truex; terms expire April 2004)

No appointments were made.

- 7.3. Parks and Recreation Advisory Board Agency (one exclusive appointment - Councilmember Hubert; term expires April 2004) (members should have a

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concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

- 7.4. School Advisory Board (two exclusive appointments - Councilmember Hubert; one exclusive appointment - Councilmember Paul; terms expire April 2004) (insofar as possible, members shall have experience in educational matters, related occupations or other similar skills)

No appointments were made.

- 7.5. Airport Advisory Board (one exclusive appointment - Councilmember Hubert; term expires December 2003)

Councilmember Hubert appointed Tim Woodcock.

- 7.6. Community Relations Advisory Board (one exclusive appointment - Councilmember Hubert; one non-exclusive appointment of one Councilmember; terms expire April 2004)

Council appointed Mayor Truex.

- 7.7. Senior Citizen Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2004) (members shall be a minimum 60 years of age)

Mayor Truex appointed Bea Schwartz.

- 7.8. Davie Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex term expires April 2004) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

- 7.9. South Broward Drainage District Charter Committee (one non-exclusive appointment) (member must be a registered voter and a resident, Councilmember, employee familiar with special-taxing districts, or a Town activist who is a resident within the District)

Council appointed Utilities Director Daniel Colabella.

**8. OLD BUSINESS**

**8.1. Time Certain Meetings**

Vice-Mayor Starkey explained the history of this issue. Mayor Truex explained his suggestions for running meetings more expeditiously. He asked that Council not take any action as he felt it would take a few meetings for he and the new Councilmembers to become comfortable with the process. Vice-Mayor Starkey was agreeable, but felt that a time-certain should be added. Mayor Truex asked that Council try to reduce meeting time without taking action. He added if it did not work then this could be revisited.

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**9. NEW BUSINESS**

- 9.1. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CONDEMNING THE ACTIONS OF THE BROWARD COUNTY PROPERTY APPRAISER IN CONTINUING TO THREATEN THE PRESERVATION OF THE AGRICULTURAL LANDS WITHIN THE TOWN OF DAVIE THROUGH HIS REPEATED LITIGATION AGAINST THE DECISIONS OF THE BROWARD COUNTY VALUE ADJUSTMENT BOARD AND STRONGLY RECOMMENDS THAT THE FLORIDA DEPARTMENT OF REVENUE RECONSIDER ITS DECISION GRANTING PERMISSION TO LITIGATE AND URGES THE PROPERTY APPRAISER OF BROWARD COUNTY TO CEASE AND DESIST IN PROCEEDING WITH SAID LITIGATION.

Town Clerk Muniz read the resolution by title.

Councilmember Paul felt the resolution was strong. She reminded Council of the discussion regarding her concerns "with the fact that the District Courts had made a ruling accepting horse boarding, yet the Department of Revenue had given permission for the Property Appraiser to readdress some of the cases from 2000-2001." Councilmember Paul stated that there was discussion regarding sending a "strong message" and explained that this resolution was a result of that discussion.

Vice-Mayor Starkey felt this resolution was not appropriate to send during the course of litigation. She appreciated Councilmember Paul's frustration, but felt it was inappropriate to send such a strong resolution to the Broward County Property Appraiser. Vice-Mayor Starkey warned that the reaction could be adversarial. She indicated that there were only a few residents who had brought lawsuits and it was not the Town's place to send a "strong adversarial resolution" on their behalf. Vice-Mayor Starkey felt the residents affected needed to continue to work with the Property Appraiser's Office. She asked those in attendance if there was a possibility of them resolving this issue without the Town taking such action. Vice-Mayor Starkey hoped the Town could direct the proceedings without this resolution. She also indicated that she did not want the Town to be sued over this matter.

Councilmember Hubert agreed that she did not want the Town to be sued.

Mayor Truex did not agree with some of the language of the resolution, but did agree with the intent. He agreed with Councilmember Paul in supporting the agrarian/equestrian community, but he felt the language should be changed, whereas the word "condemns" should read "disagree." Mayor Truex volunteered to rewrite the resolution. He asked that one or two representatives from each side present their arguments to Council.

Rocky Rodriguez, Regional Director of the Broward County Property Appraiser's Office, introduced Ron Gunzburger, legal counsel for the Property Appraiser's Office.

Mr. Gunzburger indicated that the Property Appraiser's Office was committed to protecting environmental property, green spaces, and agricultural properties. He stated there were only 10 people who were affected by their rulings. Mr. Gunzburger explained that allowing horse boarding as an agricultural classification would also apply to racetracks, specifically Pompano Park and Gulf Stream Racetrack, and the tax burden would be placed upon all residents of the County. Mr. Gunzburger suggested that something be included in the resolution that exempted racetracks from these tax breaks. He stated that the Property Appraiser's Office had been fighting this with the racetracks from the beginning and it was not

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an issue with homeowners. Mr. Gunzburger urged Council to support their position with the racetracks.

Vice-Mayor Starkey asked the reasons the ten people were denied the agricultural classification.

Dave Hlay, an agricultural consultant for the Appraiser's Office, stated that "horse boarding did not qualify as a bona fide commercial/agricultural operation and this had always been the position of the Property Appraiser's Office. He stated that horse-breeding operations were granted the classification because an agricultural product was involved.

Mr. Gunzburger advised that 46 people in the County were turned down for horse boarding as an agricultural classification.

Councilmember Paul reminded that the Court had made a decision that "horse boarding was a bona fide commercial farming endeavor." Mr. Gunzburger advised that this was the first Court to rule this way and three other similar cases were decided in favor of the Property Appraiser's Office.

Vice-Mayor Starkey asked what the figures would be for the 10 people who were denied the agricultural classification. Mr. Hlay indicated that based on land values, it would represent between \$4,000 and \$35,000 per applicant of taxes which would represent the taxes that would have to be shifted to other taxpayers. He asked where the line would be drawn as to how many horses it would take to fall under the classification and warned that more than 50% of the horse owners would be granted this classification.

Councilmember Paul clarified that this was under consideration only for bona fide horse boarding operations. She stated that the Town was dedicated to preserving the rural character and equestrian lifestyle and equestrian operations were being eliminated from this community if they did not have this assistance. Councilmember Paul addressed the issue of the stallion requirement on breeding farms where mares were being artificially inseminated and no stallion was present. She stated that these breeders were also being denied the classification. Mr. Hlay denied this and stated that these breeders would be granted the classification.

Vice-Mayor Starkey reiterated that she was not comfortable with the resolution, especially because she felt that Council was not sufficiently educated on the issue. She urged the parties to resolve this issue on their own.

Fred Segal, president of the Broward County Farm Bureau, spoke of past misguided efforts by the Property Appraiser. He indicated that he was willing to resolve this issue, but not as long as the Property Appraiser's Office was not following the ruling of the Court.

Mayor Truex stated that this issue would not be resolved at this meeting. He asked that additional backup be provided to Council and that the language of the resolution be revised. Councilmember Paul agreed with Mayor Truex.

Arthur Hurley felt that the Property Appraiser's representatives were incorrect in their statements to Council as not all people filing for agricultural exemption were treated equally. He referred to two large farms that had lost their agricultural exemptions and had closed their operations, selling their properties to developers. Mr. Hurley urged Council to support this issue.

**10. MAYOR/COUNCILMEMBER'S COMMENTS**

Councilmember Hubert and Vice-Mayor Starkey did not make any comments.

**TOWN COUNCIL MINUTES**  
**APRIL 2, 2003**

**MAYOR TRUEX**

**RODENT PROBLEM.** Mayor Truex asked Mr. Willi about the rat problem in Ivanhoe. Mr. Willi advised that this issue was being addressed.

**SCHOOL PROJECTS.** Mayor Truex asked about the status of the school projects with Nova High and Davie Elementary Schools. He questioned if Council needed to get involved with contacting School Board Members. Public Works/Capital Projects Director Bruce Bernard gave an update on this project indicating that progress was minimal.

Mayor Truex asked that a meeting be set up with the Broward County School Board and administrators from the schools to resolve these issues.

**GRIFFIN ROAD SHOPPING CENTER.** Mayor Truex asked about the status of the shopping center on Griffin Road and SW 82 Avenue. Town Engineer Larry Peters Provided an update. Mayor Truex asked that Mr. Peters contact the owner of the Bait & Tackle shop to inform her of the status.

**11. TOWN ADMINISTRATOR'S COMMENTS**

Mr. Willi did not make any comments.

Vice-Mayor Starkey spoke of the proposed smoking ban in Town parks. She made suggestions of how this could be implemented and turned over a list to Mr. Kiar so that he could draft an ordinance for the next meeting so Council could have discussion. The corrected draft would then be heard at the second meeting in April.

**12. TOWN ATTORNEY'S COMMENTS**

**LITIGATION.** Mr. Kiar gave an update on the MVP Properties litigation which was dismissed on March 31, 2003. He advised that a meeting was scheduled with Cooper City officials for April 17th and he was confident that he would be successful in getting this matter dismissed.

**13. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting adjourned at 11:00 p.m.

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk